

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WILLIAM CANDOW, an individual; GERI
CANDOW, an individual,
vs.
DAVID DUST, an individual and CLAYTON
COATINGS, INC.,
Plaintiffs,
Defendants.

Case No.: 2:11-cv-00343-LRH-GWF

ORDER

Motion to Continue Discovery (#60)

This matter comes before the Court on Plaintiffs' Motion to Continue Discovery (#60), filed on March 21, 2013. The discovery cutoff in this case is currently set for April 8, 2013. *See Amended Scheduling Order, Doc. #58.* Plaintiffs represent the only outstanding discovery regards the extent of Plaintiffs' alleged injuries. Plaintiff William Candow ("Candow") is scheduled for an operation on April 10, 2013, and represents that Defendants have requested to conduct an expert examination of Candow after the surgery. Plaintiffs therefore move to extend the discovery deadline to allow the examination and any necessary rebuttal.

IT IS HEREBY ORDERED that Defendants shall have until **March 29, 2013** to respond to the instant Motion (#60). The Court shall hear the Motion on **Thursday, April 4, 2013, at 11:00 AM** in Las Vegas Courtroom 3A.

IT IS FURTHER ORDERED that Plaintiffs' *Ex Parte* Motion for Order Shortening Time (#59) is **denied** as moot. Plaintiffs are instructed that under Local Rule 7-5(d), written requests for judicial assistance in resolving a dispute on an emergency basis shall be entitled "Emergency Motion" and be accompanied by an affidavit setting forth (1) the nature of the emergency, (2) the

1 office addresses and telephone numbers of movant and all affected parties, and (3) a statement
2 certifying that the other affected parties have been notified of the motion. *Ex parte* motions are
3 motions filed with the Court but not served on the other parities. *See* LR 7-5(a). Under LR 7-5(b),
4 all *ex parte* motions shall contain a statement showing good cause why the matter was submitted to
5 the Court without notice to all parties. *Ex parte* motions and emergency motions are distinct.

6 **IT IS FURTHER ORDERED** that Plaintiff's *Ex Parte* Motion for Order Shortening Time
7 (#61) is **stricken** as duplicative of Plaintiff's Motion (#59).

8 DATED this 25th day of March, 2013.

9
10 
11 GEORGE FOLEY, JR.
12 United States Magistrate Judge